

REMARKS

Reconsideration and allowance are respectfully requested. Claims 25 - 53 are pending.

Rejection of Claims 25 - 53 Under Section 103

The Examiner rejects claims 25 - 53 under Section 103 as being unpatentable over Suzan et al. MPEG-7 Standardization Activities ("Suzan et al.") in view of U.S. Patent No. 6,564,263 to Bergman et al. ("Bergman et al."). Applicants traverse this rejection and submit that the combination of references fails to teach each limitation recited in the claims. Furthermore, Applicants submit that there is no motivation or suggestion to combine the references.

Applicants have considered the Examiner's response to their previous remarks and offer herein several further reasons for the patentability of claim 25 - 53. In addition to the earlier reasons provided, Applicants submit that the Examiner should reconsider his interpretation of the limitations of claim 25 and the combination of Burgman et al. with Suzan et al.

We first turn to claim 25 and its limitations. On page 1 of the outstanding office action, the Examiner asserts that Suzan et al. teach on page 519 (features hierarchy section) the entity relationship representation for a multimedia type as recited in claim 25. Applicants traverse this interpretation of claim 25 and Suzan et al. This claim recites generating from the multimedia object descriptions, entity relation graph descriptions for at least one of the multimedia types. The Examiner equates the multimedia type of claim 25 with the hierarchy section of Suzan et al., page 519. Applicants submit that this is an incorrect reading of claim 25. The issue is the interpretation of "entity relation graphs" of claim 25. Without incorporating limitations from the specification into the claims, we quote some supporting disclosure for the entity relation graphs from the specification on page 18, lines 12 - 17:

In the same fashion as the multimedia objects, relationships among single-media objects can be described using media object hierarchies or entity relation graphs.

Although entity relation graphs may lack the retrieval and transversal efficiency of hierarchical structures, it is used when efficient hierarchical tree structures are not adequate to describe specific relationships.

Simply put, it is clear from the teachings of the specification that entity relation graphs are non-hierarchical descriptions of the relationship among object. Accordingly, Applicants respectfully submit that the disclosure of Suzan et al. on page 519 regarding the required feature hierarchy for MPEG-7 cannot equate to the entity relation graphs of claim 25. Suzan et al. further make clear that there are no exceptions to this requirement. MPEG-7 must support the hierarchical representation of different features so that queries may be processed more efficiently. As noted above, the present specification clearly states that where the efficiencies of a hierarchical approach are not needed, the entity relation graphs may be employed.

Therefore, Applicants submit that Suzan et al. clearly teach away from the invention recited in claim 25. Claims 26 - 52 each depend from claim 25 and recite further limitations therefrom. Each of these claims is allowable inasmuch as the parent claim is allowable. Claim 53 is addressed below.

Claims 25 - 52 and claim 53 are also patentable because there is no motivation or suggestion to combine Suzan et al. with Burgman et al. To establish a *prima facie* case of obviousness, the Examiner must meet three criteria. First, there must be some motivation or suggestion, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to combine the references. Second, there must be a reasonable expectation of success, and finally, the prior art references must teach or suggest all the claim limitations. The Examiner bears the initial burden of providing some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of

reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP 2142.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purposes, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Further, if the proposed modification of the prior art would change the principle operation of the prior art invention being modified, then the teaching of the reference is not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The principles outlined in both these cases are applicable here.

The Examiner concedes that Sezan et al. does not teach the limitation of integrating the multimedia descriptions and the entity relation graph descriptions to generate a description record to represent content embedded within the multimedia content. As mentioned above, the entity relation graph limitation, interpreted in light of the specification, requires the integration of multimedia descriptions with non-hierarchical descriptions to generate the description record. The Examiner then asserts that Bergman et al. provide this missing limitation and that it would be obvious to combine Sezan et al. with Bergman et al. because one of skill in the art would be motivated:

to generate entity relation description based on the multimedia object descriptions for multiple multimedia content types including a composite multimedia object description that represents content embedded within the multimedia content, as taught by Bergman. Office Action, Page 2.

Applicants submit first that Bergman et al. does not teach the same entity relation graph descriptions (i.e., non-hierarchical) as recited in claim 25. Applicants note that with regards to claim 26, the Examiner easily equates the multimedia object pyramid descriptions of Bergman et al. and the feature hierarchy of Sezan et al. on page 519 as "hierarchical" and thus matching claim 26. The disclosure cited by the Examiner to reject the claims cannot be both hierarchical and non-hierarchical at the same time.

Applicants maintain that Bergman et al.'s InfoPyramid 302 and associated disclosure is a hierarchical approach and thus does not teach the entity relation graph limitation of claim 25. However, if the Examiner were to assert that Bergman et al. does teach a non-hierarchical approach, and thus match the entity relation graph of claim 25, then there could not be any reason to combine its teachings with Sezan et al. The reason for the lack of motivation to combine is found in the fact that Sezan et al. (page 519) require for compatibility with MPEG-7 a feature hierarchical representation of different features in order that the queries may be more efficiently processed. Therefore, one of skill in the art would not look to a solution which is less efficient. The entity relation graph of claim 25, as mentioned on page 18 of the present specification, may not be as efficient as the hierarchical structure.

If the teachings of Bergman et al. were to be blended with the MPEG-7 description of Sezan et al., then Sezan et al. would have to be modified in its principle of operation to abandon the requirement for a feature hierarchy. According to the MPEP, if combining references in this manner forces such a change in the principles of operation of one of the references, then there cannot be any motivation or suggestion to combine. This would certainly be the case if Bergman et al.'s disclosure: (1) matched the claim 25 limitation regarding the (non-hierarchical) entity relation graph; and (2) were blended with Sezan et al. For these reasons, Applicants submit that Sezan et al. clearly do not teach the entity relation graph of claim 25.

Claims 26 - 52 each depend from claim 25 and recite further limitations therefrom. Accordingly, Applicants submit that these claims are patentable as well. Furthermore, the Examiner also combined Sezan et al. with Bergman et al. to reject claim 53. Since there is no motivation or suggestion to combine the references, Applicants submit that claim 53 is patentable as well.

CONCLUSION

Having addressed the rejection of claims 25 - 53, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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